

REMARKS

The pending Office Action addresses claims 1 and 3-24, rejecting all claims. Applicants respectfully request reconsideration of the application, in view of the remarks below.

The Prior Art Rejections

As in the previous office action, the Examiner continues to reject claims 1, 3-12, 15-21, and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,104,392 to Kittrell et al. (hereinafter the “Kittrell” reference), in view of U.S. Patent No. 5,306,245 to Heaven (hereinafter the “Heaven” reference). Claims 13 and 14 continue to be rejected over the same references above, and further in combination with U.S. Patent No. 5,129,895 to Vassiliadis et al. (hereinafter the “Vassiliadis” reference), while claims 22 and 24 continue to be rejected over Kittrell in view of Heaven, and further in view of U.S. Patent No. 4,985,028 to Isner et al. (hereinafter the “Isner” reference). For the following reasons, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejections.

In his case in chief, the Examiner rejects claims 1, 3-12, 15-21, and 23 as being obvious over the combination of Kittrell and Heaven. Claims 13, 14, 22, and 24 are rejected over the same combination, and further in view of either Vassiliadis or Isner, respectfully. The Examiner relies on Kittrell to teach the flexible elongate member, conductor and energy source of the claimed invention, except for a deflection member disposed within the first lumen of the flexible elongate member for longitudinally flexing the elongate member. To compensate for this deficiency, the Examiner combines Kittrell with Heaven, which is relied on to teach a deflection member for placement over an elongate medical device for longitudinally flexing the medical device. The Examiner then concludes that such a combination satisfies each and every limitation of the claimed invention. Applicants disagree with the Examiner for the following reasons.

The combination of Kittrell and Heaven fails to satisfy each and every limitation of the claimed invention. This is because Heaven fails to disclose a deflectable member that has a ***tapered*** distal end, as specifically required of claims 1, 17 and 21-24. As previously discussed in our last response, this tapered distal end attenuates the position of the bend, deformation or distortion of the deflection member, and facilitates initial flexing when tension is applied to the

proximal end of the deflection member. The advantages provided by the tapered distal end are highlighted on page 18, lines 9-11 and 27-28 of Applicants' specification.

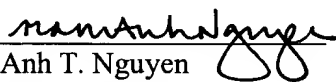
Heaven clearly states in col. 4, lines 4-7 that the deflectable tube has a *uniform diameter from the first end to the second end*, and therefore cannot have a *tapered* distal end as required of the claimed invention. On page 4 of the Office Action, the Examiner asserts that "Heaven teaches the concept of tapering" and refers to Figures 5 and 6 and column 5, lines 51-63 to support his argument. Upon careful examination of the referenced text and drawings, it appears that the "tapering" that is referred to by Heaven in column 5, lines 51-63 apply only to the hinge means (6) and not to the distal end of the deflectable tube (2). That is, as Figures 5 and 6 illustrate, the cutaway portion (7) of the tube (2) can be made such that the hinge means (6) has a taper (i.e., the sides of the hinge means are slanted with respect to the longitudinal axis of the tube) when viewed from the side as shown. This tapering enables the hinge means (6) to have greater flexibility towards the first end (3) of the tube (2). In no way whatsoever does the tapering refer to either ends (3, 4) of the tube (2). Because of Heaven's deficiencies, even if Kittrell and Heaven were so combined, the resulting combination would not provide a deflectable member having a *tapered* distal end, as is required of the claimed invention. Accordingly, Applicants respectfully disagree with the Examiner's reasoning and request reconsideration of the application in light of these remarks.

For the same reasons that the combination of Kittrell and Heaven fails to satisfy the limitations of claims 1, 17, and 21-24, Applicants respectfully submit that claims 13, 14, 22, and 24 are also not anticipated or rendered obvious by this combination. And because the combination of Kittrell and Heaven fails to disclose the invention substantially as claimed, their deficiencies would not be overcome by their combination with either Vassiliadis or Isner, as suggested by the Examiner.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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